

CUSTOMER NO.: 38107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner: N. LAVERT
J. RUSSELL, et al.	)	
	)	Art Unit: 4123
Serial No.: 10/597,079	)	
	)	Confirmation: 6955
Filed: July 11, 2006	)	
	)	
For: <b>ADAPTIVE</b>	)	
<b>PHYSIOLOGICAL</b>	)	
<b>MONITORING SYSTEM</b>	)	
<b>AND METHODS OF USING</b>	)	
<b>SAME</b>	)	
	)	
Date of Last Office Action:	)	
May 8, 2008	)	
	)	
Attorney Docket No.:	)	Cleveland, OH 44114
PHUS040020US2 / PKRZ 2 01268	)	May 28, 2008

**AMENDMENT B & ELECTION**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Amendment is responsive to the non-final Office Action of May 8, 2008.

Amendments to the claims are reflected in the listing of claims which begins on page 2.

Remarks and Election begin on page 11.

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**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I certify that this **AMENDMENT B & ELECTION** is being filed on the date indicated below by electronic transmission with the United States Patent and Trademark Office via the electronic filing system (EFS-Web).

May 29, 2008  
Date

Patricia A. Heim  
Patricia A. Heim

**DEPOSIT ACCOUNT**

The Patent Office is authorized to charge any fees associated with this filing to our deposit account no. **14-1270**

Tom Lund  
Thomas M. Lundin, Reg. No. 48,979